

E-FILED 9/29/2009

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

No. C07-03798 JW (HRL)

Plaintiff,

**ORDER RE PARTIES' REQUEST FOR
AN ORDER SHORTENING TIME**

v.

KENNETH L. SCHROEDER,

[Re: Docket No. 175]

Defendant.

Plaintiff Securities Exchange Commission, defendant Kenneth L. Schroeder and non-party witness Joy Nyberg jointly request an order shortening time for briefing and hearing on Schroeder's anticipated motion to compel Nyberg to appear for two days of deposition. Having considered the request, this court orders as follows:

Schroeder's motion to compel shall be filed by **October 1, 2009**. Nyberg's response (and any response the SEC wishes to file) is due by **October 6, 2009**. Schroeder's reply shall be filed by **October 8, 2009**. Upon submission of the briefs, and unless otherwise ordered, this court intends to issue its ruling on the papers without oral argument.

Additionally, while the details of the present discovery dispute currently are unknown, this court notes that depositions extending beyond one day (seven hours) is the exception and not the rule. And, the court is skeptical of the need to allot more than seven hours for the deposition of non-party witnesses. Parties seeking to enlarge the presumptive limit, particularly

1 when those seven hours have not yet been exhausted, bear a considerable burden in persuading
2 that more time is necessary for a fair examination of the deponent.

3 SO ORDERED.

4 Dated: September 29, 2009

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6 HOWARD B. LLOYD
7 UNITED STATES MAGISTRATE JUDGE
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5:07-cv-03798-JW Notice has been electronically mailed to:

Alice L. Jensen ajensen@fenwick.com, cprocida@fenwick.com
 Arlena Victoria Carrozzi arlena.carrozzi@dlapiper.com
 David Allen Priebe david.priebe@dlapiper.com, margaret.austin@dlapiper.com,
 stacy.murray@dlapiper.com
 Elena Ro roe@sec.gov
 Elliot Remsen Peters epeters@kvn.com, aap@kvn.com, efiling@kvn.com
 James Elliot Lyons jlyons@skadden.com, btravagl@skadden.com,
 David.Zygarewicz@skadden.com, wacampbe@skadden.com
 Jeffrey Bruce Coopersmith jeff.coopersmith@dlapiper.com, bradley.meissner@dlapiper.com,
 evelyn.dacuag@dlapiper.com
 Jeffrey S. Facter jfactor@shearman.com, rcheatham@shearman.com
 Jonathan B. Gaskin jgaskin@orrick.com, mticzon@orrick.com
 Joni L. Ostler jostler@wsgr.com, pbaird@wsgr.com
 Judith L. Anderson andersonju@sec.gov, alcairoe@sec.gov, johnstonj@sec.gov
 Lanelle Kay Meidan lanelle.meidan@skadden.com
 Marc J. Fagel fagelm@sec.gov
 Mark Philip Fickes fickesm@sec.gov
 Matthew Eric Sloan Matthew.Sloan@skadden.com, eaviad@skadden.com,
 jlyons@skadden.com, mtrout@skadden.com
 Rebecca Felice Lubens rlubens@orrick.com, jcopoulos@orrick.com, sjaffer@orrick.com
 Richard Marmaro rmarmaro@skadden.com, kcooley@skadden.com, ljohnsto@skadden.com,
 rmckaig@skadden.com
 Robert James Slaughter rslaughter@kvn.com, efiling@kvn.com, mls@kvn.com
 Shirli Fabbri Weiss shirli.weiss@dlapiper.com
 Steven Keeley Taylor skt@kvn.com, efiling@kvn.com, nsn@kvn.com
 Stuart L. Gasner slg@kvn.com, dxc@kvn.com, efiling@kvn.com, jstiles@kvn.com
 Susan F. LaMarca lamarcas@sec.gov, alcairoe@sec.gov, johnstonj@sec.gov
 Thomas R. Green thomas.green@usdoj.gov, daniel.charlier-smith@usdoj.gov
 Timothy Alan Miller tmiller@skadden.com, elanders@skadden.com, mborden@skadden.com,
 wacampbe@skadden.com

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